



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,282	12/21/2001	Eero Rasanen	4208-4013	5028

7590 05/17/2006

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053

EXAMINER

CHERRY, STEPHEN J

ART UNIT	PAPER NUMBER
----------	--------------

2863

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**

**U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

10/024,282

EXAMINER
----------

ART UNIT	PAPER
----------	-------

20060511

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attached communication.

### **Election/Restrictions**

Amended claims 1-43,45-56,65-107,109-120,129-148,149-154 and 156-167 are directed to an invention that is independent or distinct from the invention originally claimed, and examined in the prior office action dated 9-26-2005.

Amended claims 1-43,45-56,65-107,109-120,129-148,149-154 and 156-167 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application contains claims directed to the following patentably distinct species:

- I. Method and apparatus computing novelty index value based on how unusual it is for a wireless device to occupy a location, as originally presented in claims 1-43,45-56,65-107,109-120,129-148,149-154 and 156-167.
- II. Method and apparatus computing a novelty index value reflecting a probability of a device occupying a location, newly presented in amended claims 1-43,45-56,65-107,109-120,129-148,149-154 and 156-167.

The species are independent or distinct because inclusion of a novelty index value based on how unusual it is for a device to occupy a location precludes the inclusion of a novelty index value based on probability of occupying a location.

Art Unit: 2863

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Since applicant has received an action on the merits for the originally presented species, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-43,45-56,65-107,109-120,129-148,149-154 and 156-167 are withdrawn from consideration as being directed to a non-elected invention. Additionally, claims 44,57-64,108,121-128,155 and 168 were previously withdrawn. See 37 CFR 1.142(b) and MPEP § 818.02(a) and 821.03.

Art Unit: 2863

The amendment filed on 2-15-2006 amending all claims drawn to the elected species and presenting only claims drawn to a non-elected species is non-responsive (MPEP § 821.03).

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJC



MICHAEL NGHIEM  
PRIMARY EXAMINER